

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 10/6/2015	(3) CONTACT/PHONE John Diodati, Department Administrator (805) 788-2832	
(4) SUBJECT Request to approve an agreement with the San Luis Obispo County Office of Education for a cable TV Access Grant and an associated budget adjustment, in the amount of \$50,424, in order to distribute the funds from the PEG Trust Fund. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Approve and sign the attached agreement with the San Luis Obispo County Office of Education for a cable TV access grant; and 2. Authorize an associated budget adjustment, by 4/5 vote, in the amount of \$50,424, in order to distribute the funds from the PEG Trust Fund. 			
(6) FUNDING SOURCE(S) PEG Trust Fund	(7) CURRENT YEAR FINANCIAL IMPACT \$50,424.00	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? No
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: 1516029 <input checked="" type="checkbox"/> 4/5 Vote Required <input type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW David E. Grim			
(18) SUPERVISOR DISTRICT(S) All Districts			

Reference: 15OCT06-C-9

County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works

John Diodati, Department Administrator

VIA: Wade Horton, Director of Public Works

DATE: 10/6/2015

SUBJECT: Request to approve an agreement with the San Luis Obispo County Office of Education for a cable TV Access Grant and an associated budget adjustment, in the amount of \$50,424, in order to distribute the funds from the PEG Trust Fund. All Districts.

RECOMMENDATION

It is recommended that the Board:

1. Approve and sign the attached agreement with the San Luis Obispo County Office of Education for a cable TV access grant; and
2. Authorize an associated budget adjustment, by 4/5 vote, in the amount of \$50,424, in order to distribute the funds from the PEG Trust Fund.

DISCUSSION

On June 18, 2002 the County Board of Supervisors adopted a policy to allocate the Public, Education and Government (PEG) Trust Fund in thirds to Public Access, Educational Access and Government Access programs. The following is the specific policy language adopted by your Board pertaining to the distribution of the educational portion of the PEG Trust Funds. This policy was supported by the County Office of Education, the district superintendents and the President of Cuesta College.

Board of Supervisors Policy on the Utilization of the Education Portion of the PEG Trust Funds – Effective June 18, 2002

The San Luis Obispo County Office of Education shall be utilized for the Educational Access portion of the PEG Trust Funds under the following criteria:

- A. The funds must be used for specific cable TV access/telecommunications purposes that promote educational needs programs.
- B. These funds shall not be used to supplant existing funding.

- C. Where possible, partnerships with the government and public access constituents should be developed for joint benefit.
- D. Specific use of the PEG Trust Funds must be reviewed by an appropriate education advisory committee before the annual budgeting of these funds is considered by the County Board of Education.

Your Board distributed the first payment to the County Office of Education on February 25, 2003. Additional payments have occurred on a yearly basis and were distributed in a similar action. The attached agreement contains the above provisions and has been signed by the County Superintendent of Schools.

In March 2015, Charter Cable's local franchise with the County terminated. Under the California Digital Infrastructure and Video Competition Act of 2006 (DIVCA), Charter Cable's franchise in our County is now governed by a State-wide franchise issued by the State of California.

Charter has asserted that PEG fees are subject to Proposition 26 and require voter approval. Charter has refused to pay PEG fees to any local agencies under DIVCA on that basis. County staff disagrees with this assertion, and so have numerous other local agencies, but no court has yet ruled on the issue. (The State's Attorney General's Office has been asked to issue a formal opinion on the issue.) Charter may continue to refuse to pay the County any PEG fees unless a court order compels it to do so. County staff has advised the County Office of Education that the attached Agreement represents the last payment of PEG funds to them unless Charter resumes making PEG payments to the County.

OTHER AGENCY INVOLVEMENT/IMPACT

Staff worked with the County Office of Education in developing the agreement, and the agreement has been reviewed by County Counsel.

FINANCIAL CONSIDERATIONS

In order to distribute the funds from the PEG Trust Fund, the associated budget adjustment for \$50,424 needs to be approved by 4/5 vote. As discussed above, until otherwise resolved, this will be the last PEG payment from the "E" portion of the PEG Trust Fund.

RESULTS

Approval of the recommended action will allow the County Office of Education to utilize these funds to enhance educational programs for the community. This will facilitate a livable and well-governed community that is enriched through learning.

ATTACHMENTS

1. Agreement for County PEG Grant

File: PEG CF 120.11.01

Reference: 15OCT06-C-9

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